

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JANICE HOLCOMB,	§	
Plaintiff	§	
	§	
v.	§	Civil Action No. A-08-CA-681-JRN
	§	
RANDALL BERRYHILL, et al.,	§	
Defendants.	§	

**DEFENDANTS' DESIGNATION OF  
POTENTIAL WITNESSES, TESTIFYING EXPERTS, AND PROPOSED EXHIBITS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Caldwell Independent School District, Randall Berryhill, Rhonda Homeyer, Albert Surovik, Jr., Steven Noack, Julie Eubanks, Ginger Braly, Marcy Jones, and Marc Groce, and file their Designation of Potential Witnesses, Testifying Experts and Proposed Exhibits pursuant to the Scheduling Order entered by the Court in this case, as follows:

**I.**

**POTENTIAL WITNESSES**

Janice Holcomb  
c/o Ty Clevenger and Jeffrey M. Burns  
Youngkins & Associates  
P. O. Box 4806  
Bryan, TX 77805  
(979) 260-7030

Randy Berryhill, Deputy Superintendent  
Rhonda Homeyer, Director of Business Services  
Albert Surovik, Jr., President, Board of Trustees  
Steven Noack, Vice President, Board of Trustees  
Julie Eubanks, Secretary, Board of Trustees  
Ginger Braly, Member, Board of Trustees  
Marcy Jones, former Member of the Board of Trustees  
Marc Groce, former Member of the Board of Trustees

Caldwell Independent School District  
c/o Bridget Robinson  
Walsh, Anderson, Brown, Aldridge & Gallegos, P.C.  
505 E. Huntland Dr.  
Austin, Texas 78752  
(512) 454-6864

Dr. Janet Cummings  
Assistant Superintendent for Instruction  
Caldwell Independent School District  
203 N. Gray  
Caldwell, TX 77836  
(979) 567-9000

Cindy Perry, Secretary  
Angie Zamora, Accounts Payable  
Christine Telg, Payroll  
Anita Johnson, Benefits Coordinator  
Caldwell Independent School District  
203 N. Gray  
Caldwell, TX 77836  
(979) 567-9000

Lucas Janda, Business Manager  
Stafford Municipal School District  
1625 Staffordshire Road  
Stafford, TX 77477  
(281) 261-9200

Defendants reserve the right to supplement their designation of potential witnesses upon receipt of any relevant records during discovery which may disclose the identities of additional witnesses who are not identified above who Defendants may wish to call at the time of trial. Additionally, Defendants hereby incorporates by reference all persons properly identified by Plaintiff in this case as potential trial witnesses.

## **II.**

### **POTENTIAL TESTIFYING EXPERTS**

Defendants designate their attorneys of record in this case who may offer expert testimony on the issue of attorneys' fees, as follows:

Bridget R. Robinson  
Todd A. Clark  
Walsh, Anderson, Brown, Gallegos & Green, P.C.  
505 E. Huntland Dr., Suite 600  
Austin, Texas 78752  
(512) 454-6864

The written reports of Ms. Robinson and Mr. Clark which fully comply with the requirements of FED. R. CIV. P. 26(a)(2)(B) are being provided to Plaintiff pursuant to the requirements of the Scheduling Order entered in this case.

## **III.**

### **PROPOSED EXHIBITS**

Defendant may utilize the following documents as exhibits during the trial of this case:

1. Policies adopted by the District's Board of Trustees, including but not limited to the following: DGBA (Local), DGBA (Legal), and DGBA (Exhibited) entitled "Personnel-Management Relations, Employee Complaints/Grievances"; GF (Local) and GF (Legal) entitled "Employee Standards of Conduct"; and GF (Local) and GF (Legal) entitled "Public Complaints";
2. Caldwell ISD Employee Handbook for 2007-2008 school year;
3. Statement signed by Dr. J. Cummings regarding November 20, 2007 administrative meeting with Plaintiff;
4. November 19, 2007 written directive issued to Plaintiff;
5. Memorandum from Randy Berryhill to Plaintiff dated November 26, 2007;
6. Plaintiff's November 26, 2007 Employee Complaint Form - Level One;

7. November 26, 2007 memorandum from Randy Berryhill to Plaintiff regarding Plaintiff's Level One Employee Complaint;
8. December 6, 2007 Level One Complaint Response by Rhonda Homeyer;
9. December 13, 2007 letter from Plaintiff's attorney addressed to Alberto Surovik, Jr.;
10. December 19, 2007 letter from District's attorney to Plaintiff's attorney;
11. Agenda and Minutes of Board of Trustee's meeting held on January 21, 2008;
12. February 5, 2008 letter from Plaintiff's attorney to District's attorney;
13. Documents containing pre-lawsuit communications between Plaintiff's attorney and the District's attorney;
14. Correspondence between Randy Berryhill and Teacher Retirement System of Texas;
15. Minutes of Board of Trustee's meeting of January 23, 2006;
16. Communications regarding TASBO certification; and
16. Correspondence between Plaintiff and Randy Berryhill dated February 12, 2008 and February 14, 2008, regarding Plaintiff's resignation.

Defendants reserve the right to supplement their designation of proposed exhibits with other documents which might be disclosed during discovery in this case, and pursuant to FED. R. CIV. P. 26(a)(3) and the Western District's Local Rules. Additionally, Defendants hereby incorporate by reference all proposed exhibits properly disclosed by Plaintiff in this case as proposed exhibits.

Respectfully submitted,

/s/Bridget Robinson

BRIDGET ROBINSON

State Bar No. 17086800

WALSH, ANDERSON, BROWN,  
GALLEGOS & GREEN, P.C.

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of March, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a true and correct copy of the foregoing pleading was served via electronic transfer on the following CM/ECF participant(s):

Ty Clevenger  
Jeffrey M. Burns  
Youngkins & Associates  
P. O. Box 4806  
Bryan, TX 77805

/s/Bridget Robinson

BRIDGET ROBINSON